

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TINNUS ENTERPRISES, LLC,

and

ZURU LTD.,

PLAINTIFFS,

v.

TELEBRANDS CORP., ET AL.,

DEFENDANTS.

CASE NO.: 6:16-CV-00033-RWS-JDL

(LEAD CASE)

TINNUS ENTERPRISES, LLC,

PLAINTIFF,

v.

WAL-MART STORES INC., ET AL.,

DEFENDANTS.

CASE NO.: 6:16-CV-00034-RWS-JDL

(Consolidated with Lead Case No.:
6:16-CV-00033-RWS-JDL)

RESTATED FINAL JUDGMENT

After a trial by jury, the Court entered final judgment in this action on March 27, 2019 (Docket No. 727). Plaintiffs filed an unopposed motion (the “Motion”) requesting entry of final judgment in a separate document pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Docket No. 738. The Court, having determined that the relief requested by the Motion is appropriate, hereby **ENTERS** this Restated Final Judgment as follows.

IT IS HEREBY ORDERED THAT:

1. Plaintiffs Tinnus Enterprises, LLC and ZURU Ltd. are awarded \$26,131,172.00 from Defendants Telebrands Corp. and Bulbhead.com LLC for damages and prejudgment interest. The foregoing total comprises (1) \$12,250,000 representing damages on the jury verdict; (2) \$12,250,000 representing the amount of enhanced damages pursuant to the Court's order on post-trial motions (Docket Nos. 719, 725); and (3) prejudgment interest in the amount of \$1,631,172.00 (Docket Nos. 719, 725, 737).

2. Plaintiffs Tinnus Enterprises, LLC and ZURU Ltd. are awarded from Defendants Bed Bath & Beyond Inc., Fry's Electronics, Inc., The Kroger Company, and Walgreen Co. the following amounts: (1) \$67,000.00 representing damages on the jury verdict from Defendants Bed Bath & Beyond Inc., Fry's Electronics, Inc., The Kroger Company, and Walgreen Co. (Docket Nos. 719, 725); (2) \$39,488¹ representing the amount of enhanced damages pursuant to the Court's order on post-trial motions from Defendants Bed Bath & Beyond Inc., The Kroger Company, and Walgreen Co. (Docket Nos. 719, 725); and (3) prejudgment interest in the amount of \$6,500.00 from Defendants Bed Bath & Beyond Inc., Fry's Electronics, Inc., The Kroger Company, and Walgreen Co. (Docket No. 719, 725, 737).

3. Plaintiffs Tinnus Enterprises, LLC and ZURU Ltd. are awarded \$4,750,000.00 from Defendants Telebrands Corp., Bulbhead.com LLC, Bed Bath & Beyond Inc., Fry's Electronics, Inc., The Kroger Company, and Walgreen Co. for attorneys' fees and costs. Docket Nos. 719, 725, 726.

¹ The Court originally enhanced damages in the amount of \$53,244; however, the parties have since agreed to reduce the enhancement from \$53,244 to \$39,488. Docket No. 738-1 at 3.

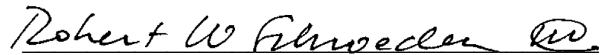
4. Post-judgment interest on all amounts awarded to Plaintiffs shall accrue from March 27, 2019 through the date of satisfaction of judgment pursuant to 28 U.S.C. § 1961.

5. Pursuant to Federal Rule of Civil Procedure 65, 35 U.S.C. § 271, 35 U.S.C. § 283, and the inherent equitable powers of the Court, the Court hereby **PERMANENTLY RESTRAINS AND ENJOINS** all Defendants (inclusive of Telebrands Corp.; Bulbhead.com, LLC; Bed Bath & Beyond Inc.; Fry's Electronics, Inc.; The Kroger Company; and Walgreen Co.), their officers, agents, servants, employees, attorneys and all other persons who are in active concert or participation with the Defendants who receive actual notice of this Order by personal service or otherwise, from making, using, importing into, distributing, marketing, advertising, offering to sell or selling in the United States the Battle Balloons product or any colorable imitation of the same that infringes either U.S. Patent No. 9,242,749 ("**'749 Patent'**") or U.S. Patent No. 9,315,282 ("**'282 Patent'**"). This permanent injunction shall remain in effect until the expiration of the '749 Patent and the '282 Patent.

6. The automatic stay applicable to this Order pursuant to Federal Rule of Civil Procedure 62(a) shall terminate on May 3, 2019.

It is so **ORDERED**.

SIGNED this 3rd day of May, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE